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9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. 3:12-MJ-70294

14 )  
15 - v. - )

16 ELENA RAE ONTIVEROS, )

17 )  
18 Defendant. )  
19

STIPULATION AND ~~[PROPOSED]~~  
ORDER

20 The United States of America, by its attorneys, Melinda Haag, United States Attorney,  
21 and W.S. Wilson Leung, Assistant United States Attorney, of counsel, and defendant Elena Rae  
22 Ontiveros, by her attorney, David Andersen, Esq., respectfully submit this stipulation and  
23 proposed order to request that the May 17, 2012 preliminary hearing in the above-captioned  
24 matter be continued until June 27, 2012.

25 The parties hereby stipulate and agree to the following:

26 1. Defendant Elena Rae Ontiveros was charged in a criminal complaint dated March  
27 13, 2012, with violating Title 21, United States Code, Sections 846 and 841(a)(1), and Title 18,  
28 United States Code, Section 2. Ontiveros was arrested and subsequently presented before the

1 Honorable Nathanael M. Cousins on March 15, 2012. On March 20, 2012, Ontiveros was  
2 ordered released subject to an unsecured \$50,000 personal recognizance bond and other  
3 conditions.

4 2. Since Ontiveros's initial appearance, the parties have been trying to reach a  
5 disposition of this matter prior to the filing of an indictment. The parties continue to pursue  
6 these discussions and require additional time for this purpose. Among other things, Ontiveros's  
7 compliance with certain pre-trial release conditions may be material to the parties' discussions.

8 3. Accordingly, the parties respectfully request that the May 17, 2012 preliminary  
9 hearing be continued until June 27, 2012, in order to allow the parties to pursue their plea  
10 discussions. Should this request be granted, the parties submit that time should be properly  
11 excluded under the Speedy Trial Act until the June 27, 2012 in the interests of justice and to  
12 ensure the effective assistance of counsel.

13 DATED: May 15, 2012

14 SO STIPULATED.

15 MELINDA HAAG  
United States Attorney

16  
17 By: /s/  
W.S. WILSON LEUNG  
Assistant United States Attorney

18  
19 /s/  
20 DAVID L. ANDERSEN, ESQ.  
Counsel for Elena Rae Ontivero

21  
22 FOR THE FOREGOING REASONS, IT IS HEREBY ORDERED THAT the May 17,  
23 2012, preliminary hearing in the above-captioned matter is continued until June 27, 2012, and  
24 time under the Speedy Trial Act shall be excluded through June 27, 2012.

25 DATED: May 16, 2012

26  
27 HON. JESSE  
Chief United States District Judge

